



THE COMMONWEALTH OF MASSACHUSETTS  
*Department of Agricultural Resources*  
**State Reclamation and  
Mosquito Control Board**  
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**DOUGLAS P. GILLESPIE**  
MDAR Commissioner

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## STATE RECLAMATION AND MOSQUITO CONTROL BOARD MINUTES

**WHO:** State Reclamation and Mosquito Control Board (SRMCB)  
**DATE:** January 12, 2005  
**WHERE:** 240 Beaver Street, Waltham, MA

**PRESENT:** Representing

### State Reclamation and Mosquito Control Board

Mark Buffone, SRMCB, Chairman  
Charlie Burnham, SRMCB, Member  
Gary Gonyea, SRMCB, Member  
Donna Mitchell, SRMCB, Projects Administrator

### Mosquito Control Project Commissions

None

### Mosquito Control Directors/Superintendents

Wayne Andrews, Bristol County Mosquito Control Project  
Tim Deschamps, Central Mass Mosquito Control Project  
John Doane, Cape Cod Mosquito Control Project  
Bruce Landers, Suffolk County Mosquito Control Project  
Tim McGlinchy, Central Mass Mosquito Control Project  
Walt Montgomery, Northeast Mass Mosquito Control and Wetlands District  
Gabrielle Sakolsky, Cape Cod Mosquito Control Project  
John Smith, Norfolk County Mosquito Control Project  
Bob Thorndike, Plymouth County Mosquito Control Project  
Ray Zucker, Plymouth County Mosquito Control Project

### Others

None

## **STATE RECLAMATION AND MOSQUITO CONTROL BOARD JANUARY 12, 2005 MINUTES**

### **Introduction**

The meeting of the State Reclamation and Mosquito Control Board was called to order at 10:03 AM on Wednesday, January 12, 2005 taking place at the UMass Eastern Extension Center at 240 Beaver Street Waltham, MA (or known as the Waltham Field Station).

Chairman Buffone thanked everyone for his or her interest and attendance this day especially in light of the fact that the weather was poor.

The Chairman acknowledged the other Board members, Charlie Burnham representing the Department of Conservation and Recreation, and Gary Gonyea, representing the Department of Environmental Protection and in doing so noted that there was a quorum.

Those present were asked to complete the sign-up sheet as it was passed around the room to insure an accurate account of who were present. He also remarked that the Board has prepared meeting packages for all attending to facilitate discussions during this and future meetings.

*Agenda Item #1: Approval of October 6, 2004 and January 5, 2005 Minutes*

### **Question and Discussion:**

Before approval of the minutes, Chairman Buffone noted and reminded the Board that several items from past meetings are still pending and needed to be completed as soon as possible. These outstanding items included but were not limited to a "glove box" size fact sheet concerning motor vehicle accidents, Charlie Burnham's membership to Northeast Mosquito Control Association, Position Statement regarding mosquito misting systems, a homeowner brochure, RAMP report from the Northeast District (which was stated was forthcoming), and a letter to the respective state Department Heads regarding the potential of a 2005 arbovirus threat.

**Action Taken:** Gary Gonyea made a motion to approve both the October 6, 2004 and January 5, 2005 minutes as outlined and the motion was second by Charlie Burnham. The vote to approve both sets of minutes carried unanimously.

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### *Agenda Item # 2: Commissioner Indemnification Memorandum*

**Question and Discussion:** The Chair reported that the General Counsel of the Department of Agricultural Resources had rendered a legal determination concerning Mosquito Control Commissioners. This legal opinion addressed the concerns expressed by a number of Mosquito Control project/district Commissioners during the past year. The memorandum dated December 2, 2004 was read in part by Chairman Buffone stating *“The commissioners of the various Mosquito Control Projects/Districts within the Commonwealth are considered “public employees” and/or “special state employees” and thereby are entitled to indemnification from the Commonwealth of Massachusetts, while acting within the parameters of their duties and responsibilities as commissioners”*.

The Chair further described the contents of the memorandum and commented that the Commonwealth would represent essentially the Mosquito Control Commissioners in liability issues.

One concerned expressed was that the memorandum as outlined did not appear to be binding since the memorandum was from a Legal Intern to the General Counsel Lawrence E. McCormick. A request was made that a cover letter be added to the memorandum specifically to the Mosquito Control Commissioners from General Counsel Lawrence E. McCormick to lend more weight to the document.

### **Action Taken:**

The Board felt that the memorandum as presented sufficed without need for a vote to adopt the document. As a result, a motion was made by Charlie Burnham who requested that a copy of the memorandum, once modified, with a cover letter to the Mosquito Control Commissioners from General Counsel Lawrence E. McCormick be mailed to each Commissioner and every mosquito control project/district. Gary Gonyea seconded the motion and the motion carried unanimously. Also, it was noted that if Commissioners or mosquito control projects/districts had specific or additional questions concerning this matter, they were encouraged to formally send them to the Board in writing.

### *Agenda Item #3: New Board Policies*

**Question and Discussion:** A lengthy discussion took place regarding new Board goals and policies. Chairman Buffone reflected that the Board felt the need to establish a number of written policies and goals with the objective being to strengthen, make more efficient, better organized, enhance, and make more public the activities that are taking place in Massachusetts mosquito control. The policies on the table are proposed and include,

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posting and electronic submission of district/project meeting minutes, 2005 Commission goals, and Refinement of Commissioner Appointment/re-appointment process.

### **Goal Policy**

Gary Gonyea requested that the Board discuss the proposed 2005 Goals for Mosquito Control Commissions goals first outlined below.

### **Overall Vision:**

To integrate the management of SRMCB objectives, and priorities, as well as coordinate activities, the SRMCB is establishing the following goals for each Mosquito Control Commission for 2005. In this light, the SRMCB objective is to improve communications and operational efficiency between the Board and its Commissions as well as benefit both the public and the project through modernization of communications.

### **Goals:**

Each Mosquito Control Commission:

- shall have computer(s) with appropriate capacity for sending and receiving e-mails as well as access to the Internet.
- Shall have a website and maintain said site in a timely fashion for the benefit of the public as well as improve operational efficiency.
- Shall make available an electronic version of notices of all meetings and minutes to all SRMCB members (see policy statement on meeting minutes).
- Shall post at a minimum an annual report summary by of any year. The Annual Report should summarize District activities by town (surveillance, larviciding, catch basin treatments, water management, and adulticiding) and highlight major accomplishments and/or problems.
- Shall develop a mission statement and post it on their website.
- Shall prepare and post generic work plans for member towns anticipated for 2005 with time line.

During the ensuing discussion, Chairman Buffone commented that the Board was concerned that mosquito control commissions have not been receiving directions or oversight guidance. Since the Board's mandate is to oversee Commissions and mosquito control districts/projects, one of the things we need to do is to introduce some goals as

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A basis of evaluating performance. The main objective is to enhance communication between Commissions and the Board. Gary Gonyea concurred commenting that the main thrust of these goals and policies was to enhance communication between ourselves and the people we serve. It is not meant to be onerous.

Chairman Buffone also noted that the need for goals and policies centered on making sure items discussed were put in writing, making decisions more public, and to ensure that there are general consistencies are incorporated within all mosquito control projects/districts.

Although there was general consensus to move in this direction, a number of concerns were expressed pertaining to the Board's proposed goals including but not limited to the following:

- Resources were limited to carry out goals;
- State contract make finding a website vendor difficult;
- These kinds of goals were of lower priority;
- Skepticism of actual benefits of website;
- And not enough time to pursue the proposed goals.

Other issues discussed focused on:

- Hosting and maintaining of website;
- The actual creation of the website;
- The recommendation of a template, which could be copied by each district/project.

Overall, the goals posed more concerns than anticipated. Nonetheless, Chairman Buffone stated that the Board would still lean in the direction of the proposed goals to encourage Commissions to adopt and carry out these general goals, as it will benefit all. He conceded that there was a need to look further into this matter and to follow-up on suggestions such as one offered by Tim DesChamps. Mr. DesChamps stated that the hosting of the mosquito control websites could be solved by using the Northeast Mosquito Control Association website. Charlie Burnham and others saw the need for a template to define what the Board wanted specifically on all websites, which would have the benefit of promoting consistency.

A question arose about one of the goals concerning annual report and how detail it should be. Chairman Buffone responded by saying the reports only need to highlight general accomplishments from one year to the next i.e. summary. In lieu of a website, he asked that the annual reports be sent to all Board members so that these reports can be posted on the Board website

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**Action Taken:** The Chairman made a motion to adopt the above goals as recommendations only at this time, to communicate the directions the Board would like Commissions to move in, until such time as the Board can obtain more details information concerning developing, hosting, and maintaining website requesting that the districts collaborate with those districts who have already are hosting a website such as the Central Ma Mosquito Control Project. Gary Gonyea seconded the motion. the vote carried unanimously

## **Minutes Policy**

**Question and Discussion:** A discussion ensued concerning the proposed policy on the posting of minutes listed below. Several concerns were expressed concerning sensitive information such as issues of disciplinary actions and pay increases.

### **State Reclamation and Mosquito Control Board Policy on Minutes**

The Board hereby establishes the following policy effective January 12, 2005

All Massachusetts Mosquito Control Commissions when officially convening to conduct public business shall insure that the meeting convened be open to the public whether or not there intent to take action.

Notice of the meeting must be filed and posted at least (48) forty-eight hours (including Saturdays but not Sundays or legal Holidays) prior to the time of the meeting. Meeting notice is to be printed in easily readable type, and is to include the date, time, and place of the meeting.

Although the Open Meeting Law contains no provisions regarding the form in which minutes of the meeting must be maintained, minutes, at a minimum, must set forth date, time, place of the meeting, the identity of the members present or absent, and all "action taken" and include not only votes and other formal decisions made at a meeting but also discussion or consideration of issues for which no vote is taken. *Note: The minutes are a record of what was **done** at a meeting and not necessarily what was **said**.*

Official minutes will be required to be typed and mailed electronically to all SRMCB members within a time frame of two (2) to four (4) weeks after the meeting. The SRMCB will post the minutes for each mosquito control commission on its website. In addition, each mosquito control commission may post its minutes on its own website or provide a link for the public to the SRMCB website to view posted minutes.

All meetings of mosquito control commissions shall be formal and be opened to the general public. Each mosquito control project should make reasonable efforts to ensure that meetings are held in facilities that permit "barrier-free physical access" to physically handicapped persons. Finally, public meeting places such as municipal offices for meeting are the preferred locations. Luncheon meetings should be avoided for the purpose of conducting project business since it may be construed as a social event and/or alienate the general public from attendance because of feeling obligated to paying for beverages and food.

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### Action Taken:

Gary Gonyea made a motion to ask for electronic submission of all meeting minutes to each State Reclamation and Mosquito Control Member within 2 weeks once any Commission approves its minutes, with a hard copy to the projects administrator, and the Board will look into the legality of posting minutes on the web. Chairman Buffone seconded the motion and the vote carried unanimously.

Gary Gonyea made an additional motion to amend the proposed policy on minutes as discussed at this meeting to include the following changes specifically the 2<sup>nd</sup> paragraph 1<sup>st</sup> line to read

“Notice of the meeting must be filed and posted (adding the phrase) **subject to the open meeting law** at least (48) forty-eight hours (including Saturdays but not Sundays or legal Holiday) prior to the time of the meeting”.

And the 4<sup>th</sup> paragraph 1<sup>st</sup> line to read:

“Official minutes will be required to be typed and mailed electronically to each SRMCB members (adding the phrase) **after meeting minutes are approved.**”

The following sentence is added, In **addition, a hard copy will be sent to the projects administrator to be maintained on file.**

The next two (2) sentences will be deleted until Legal Counsel can do review. The SRMCB will post the minutes for each mosquito control commission on its website. In addition, each mosquito control commission may post its minutes on its own website or provide a link for the public to the SRMCB website to view posted minutes.

Charlie Burnham seconded the motion and the vote carried unanimously

### **Commissioner Appointment Policy**

#### Question and Discussion:

Chairman Buffone remarked that the Board is sensitive to concerns expressed and wanted to amend its new Commissioner appointment/re-appointment policy listed on the next page.

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## **State Reclamation and Mosquito Control Board Policy Appointing and Re-appointing Mosquito Control Commissioners**

The Board hereby establishes the following refinement to the policy of appointing and re-appointing mosquito control commissioners effective January 12, 2005

The current process to appoint mosquito control commissioners include but is not limited to completing an application, submitting a resume, obtaining letter(s) of support, and asked to interview before the State Reclamation and Mosquito Control Board of which at a minimum a subcommittee composed of at least two (2) SRMCB members (one of which is the Chairman).

The SRMCB remain open to inviting someone removed from mosquito control (an outside individual) such as a representative from Department of Public Health (DPH) to sit in on interviews to help evaluate each candidate even though none has been designated to date.

Further, the SRMCB establish two (2) permanent sites geographically accessible to both the SRMCB members and candidates for interview. These sites include the site at 240 Beaver Street, Waltham and the office of Charles Burnham in Amherst. Also, that two (2) dates be established annually such as the second week of October to hold said interviews to insure that commissioners slated for re-appointment be approved prior to the expiration date of November 30<sup>th</sup> of any year. Those seeking appointment or re-appointment can be scheduled for interview at the most accessible location and if due to circumstances beyond their control unable to make said appointment, can be scheduled for the alternate date only.

Finally, candidates for interview can be reimbursed for mileage as this is considered a part of their duties as approved by the Board.

**Question and Discussion:** Several comments were made to change certain phrases within the policy, add to the process a feedback component that the Board could utilize from Commissions and project/district Superintendents regarding potential candidates up for re-appointment or appointment to their districts/projects, the suggestion to change all Commissioner terms

to 5-year terms, and a suggestion to do web conferencing interviews somewhere down the road. Finally, a question was raised if when 2 member of the Board are interviewing, is this construed as an official meeting?

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## **Action Taken:**

Gary Gonyea made a motion to include the amendments below to the Commissioner appointment/re-appointment policy so noted especially by Mr. Burnham. Chairman Buffone seconded the motion and the vote carried unanimously

## **Amendments**

In paragraph three (3), the phrase office of Charles Burnham in Amherst would be changed to the **offices of Department of Conservation and Recreation in Western, Massachusetts**

The third line of the second paragraph, it does not read well and needs to be changed.

**As part of the application process, the Board would communicate with the Commission and/or Mosquito Control Project/District as**

To delete the last line, **Finally, candidates for interview can be reimbursed for mileage as this is considered a part of their duties as approved by the Board** as it is a given.

## *Agenda Item # 4: Other Business Insecticide Resistance Workshop*

## **Question and Discussion:**

Chairman Buffone reminded those present that the Insecticide Resistance Workshop would take place on Wednesday, January 26, 2005 at this location. He also described the format of the training and the Bottle testing lab set-up.

## **Action Taken:**

NONE

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### *Agenda Item # 5: Next meeting Date and Agenda Suggestions*

#### **Question and Discussion:**

The next meeting is originally scheduled for March 9, 2005 at 10:00 at the Waltham Field Station, 240 Beaver Street, Waltham, MA. Was postponed until March 23, 2005 in the same location. For agenda items, Gary commented that he hoped that the inland mosquito control guidance would be ready in its final version for distributed to them and he anticipated that someone from DEP would be present at this meeting.

#### **Action Taken:**

Chairman Buffone will reserve the conference room for the next meeting on March 23, 2005.

### *Agenda Item # 6: Adjournment*

#### **Question and Discussion:**

Chairman Buffone entertained a motion to adjourn the meeting. Charlie Burnham made a motion to adjourn the meeting at 12: 15 PM. Gary Gonyea seconded the motion and voted unanimously

#### **Action Taken:**

Meeting adjourned

Respectfully submitted:

Mark S. Buffone, Chairman